

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANNE BRYANT,

:

Plaintiff,

:

15 Civ. 8427 (PAC) (HBP)

-against-

:

ORDER

PATRICK J. MONAGHAN, JR., ESQ.,  
et al.,

:

:

Defendants.

:

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PITMAN, United States Magistrate Judge:

By notice of motion, dated October 3, 2017 (Docket Item ("D.I.") 123), plaintiff moves to enforce a subpoena for documents served on counsel for the American Federation of Musicians ("AFM") on September 8, 2017. On September 21, 2017, AFM's counsel, Jennifer P. Garner, Esq., informed plaintiff by email that AFM would not comply with the subpoena for the incorrect reason that this action had been dismissed (see Memorandum of Law in Support Motion to Compel Documents, dated Oct. 3, 2018 (D.I. 124) ("Pl. Memo."), annexed as Ex. 2). Plaintiff correctly informed Ms. Garner on September 22, 2017 that the action was still pending (Pl. Memo., annexed as Ex. 2). When AFM still failed to respond to her subpoena, plaintiff filed the present motion and an affidavit of service attesting to her service of a copy of the motion on Ms. Garner on October 5, 2017.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 8/10/18.

To date, AFM has not responded to plaintiff's motion and, thus, has waived any objections to plaintiff's September 8, 2017 subpoena. Therefore, it is hereby ORDERED that:

1. AFM is directed to produce copies of union contracts or abstracts relating to the contract numbers that plaintiff identified in the "AFM Contract Production" list annexed to the subpoena she served on AFM on September 8, 2017. AFM is further directed to include the names, scale payments, "H&W and Pension contribution information," union member card numbers and the last four digits of the social security numbers of the musicians listed on the foregoing documents. AFM is directed to produce these documents to plaintiff no later than August 29, 2018.

The Clerk of the Court is respectfully requested to mark Docket Item 123 closed.

Dated: New York, New York  
August 10, 2018

SO ORDERED

  
HENRY PITMAN  
United States Magistrate Judge

Copies mailed to:

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